

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LORENZO CASTENEDA,
Plaintiff,
v.
J. QUIRING, et al.,
Defendants.

No. 2:21-cv-2196 DAD CSK P

ORDER

Plaintiff is a state prisoner proceeding pro se, currently housed at Mule Creek State Prison (“MCSP”). On March 25, 2024, plaintiff filed a motion for sixty-day extension to oppose defendants’ motion for summary judgment. (ECF No. 68.) Defendants filed an opposition. (ECF No. 69.) Plaintiff filed a reply. (ECF No. 71.)

As discussed below, plaintiff’s motion is partially granted.

The Parties’ Positions

Plaintiff seeks a sixty-day extension based on the lengthy motion for summary judgment, inadequate access to the law library because most days the library is closed, and because defendants were granted two extensions of time to file their motion. (ECF No. 68.)

Defendants object that plaintiff sought his extension only five days before the deadline, exaggerated the size of their motion, and defendants’ requested extensions totaled only ten days, and the second request was denied as moot because plaintiff previously obtained an additional 45

1 days to file a dispositive motion, which remedied any prejudice from such requested extensions.
2 (ECF No. 69 at 2.) Defendants provided evidence that plaintiff has not sent a single Form 22
3 request for a library appointment or attended the law library since October 10, 2023, and plaintiff
4 maintains the ability to attend law library despite attending his ABE III courses because he is not
5 in class all day. (ECF No. 69-1 at 1-2.) Contrary to plaintiff's allegations, "the library has been
6 open more in recent months than it has been in a very long time." (ECF No. 69-1 at 1-2.)
7 Because plaintiff received defendant's motion for summary judgment on March 8, 2024, yet
8 failed to submit his request for extension until March 20, defendants contend plaintiff
9 unreasonably delayed his request. Defendants ask that the request for extension be denied, or, in
10 the alternative, the extension be for a period significantly shorter than the requested sixty days.
11 (ECF No. 69 at 5.)

12 In reply, plaintiff now declares that his opposition is completed; he is simply waiting for
13 the library to open to obtain necessary copies. (ECF No. 71 at 1.) He states that just because the
14 library is open does not mean that he has access to the library every time it is open. Plaintiff does
15 not have access to modified programs daily activity sheets but insists that MCSP A Facility
16 continues to have significant modified programs due to staffing shortages, and he is not allowed
17 to attend the library during school hours. Finally, plaintiff maintains that the defendants' 192
18 page filing is lengthy and warrants the extension sought.

19 Discussion

20 In light of plaintiff's claim that his opposition is completed, and he only needs library
21 access to obtain photocopies, it does not appear plaintiff needs an additional sixty days from now
22 to file the opposition. Ordinarily the court grants prisoners an additional thirty days to file
23 oppositions to motions for summary judgment. Here, 26 days have passed since plaintiff signed
24 his request for extension of time, so he has received additional time while awaiting the court's
25 decision. On the other hand, it is unclear how lengthy plaintiff's opposition is and how long it
26 will take the library to provide the necessary photocopies. Therefore, plaintiff's request for
27 extension of time is partially granted. Plaintiff shall file his opposition to defendants' motion for
28 summary judgment on or before May 6, 2024. If plaintiff has not already done so, he should

promptly submit a Form 22 request for law library appointment to meet this court deadline.

Good cause appearing, IT IS HEREBY ORDERED that:

1. Plaintiff's motion for an extension of time (ECF No. 68) is partially granted; and

2. Plaintiff shall file his opposition to defendants' motion for summary judgment on or before May 6, 2024.

Dated: April 16, 2024



CHI SOO KIM
UNITED STATES MAGISTRATE JUDGE

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